



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012364
Applicant Name: Joe Giampietro
Address of Proposal: 4502 42nd Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a seven-story, 131 unit residential building with 2,923 square feet of retail and office space at ground level, and two live-work units. Parking for 137 vehicles will be located mostly below grade. Three existing structures to be demolished. The project is a revision of an earlier, approved MUP 3007547.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

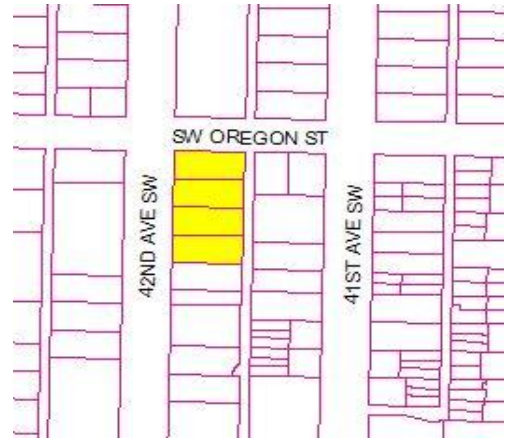
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition,
or involving another agency with jurisdiction.

PROJECT AND SITE DESCRIPTION

The project proposes a seven-story mixed-use building (six levels facing 42nd Avenue SW and seven levels facing the alley) with street level commercial space at the corner of 42nd Avenue SW and Oregon St., two live-work units fronting onto SW Oregon St., and two levels of below-grade parking (one level partially at alley grade and one completely below grade).

The project site is approximately 23,000 square feet in area with approximately 200 feet of frontage on 42nd Avenue SW and the alley, and approximately 115 feet of frontage on SW Oregon Street. The site slopes downward approximately 10 feet from 42nd Avenue SW to the alley along the SW Oregon Street frontage and approximately 6 feet along the south property boundary. The site currently has three single-family structures. The northern two lots currently have vehicle access from 42nd Avenue SW while the southern two lots have vehicle access from the alley. The zoning designation is Neighborhood Commercial 3 with a sixty-five foot height limit (NC 3-65).



The site's surrounding development and zoning are as follows: to the west and south is NC 3-65 transitioning to NC3-85 along SW Alaska St and California Ave SW and contains a mix of development. Directly to the south is a three to four story medical / dental building, then followed by three sites that or have been permitted for new development (DPD MUP #'s 3004482, 3007035 and 3007129), as mixed use developments. The permitted development will front on SW Alaska Street and extend between 41st and 42nd Streets SW. Behind the SW Alaskan Way development, the alley behind the project site has been diverted to open onto 42nd Avenue SW. To the south of SW Alaska Street the zoning reverts to NC 3-65 and contains a mix of commercial, office, and residential structures, including Jefferson Square. Across 42nd Avenue SW is a single family structure, a large surface parking lot for the Alaska Junction businesses, and a 1979 residential tower, The Alaska House. Further to the west is the West Seattle Junction business district along California Avenue SW. Across SW Oregon Street to the north the zoning is NC 2 with a 40 foot height limit (NC 2-40) and includes California Avenue commercial uses, residential structures, and the buildings of the Hope Lutheran Church. To the east of the site the zoning is Lowrise 3 (LR-3) and contains a mix of older single-family structures along with newer townhouse developments.

Public Comment

The two week Master Use Permit public comment period began June 2, 2011 and was extended an additional two weeks until June 29, 2011. Public comments received at both earlier Design Guidance meetings (project3007547) are documented in the respective meeting reports and available in the MUP project file. DPD received one comment letter for MUP # 3012364 which described a narrow alley with too many vehicles causing hazardous conditions. The letter's authors proposed making the alley one-way southbound.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated April 29, 2011 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations or circumstances mitigation can be considered (SMC 25.05.665 D 1-7). Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Construction Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials,
- Construction traffic impacts.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Stormwater Grading and Drainage Control Code, the Noise Ordinance, the Street Use Ordinance, and the air pollution standards of the Puget Sound Clean Air Agency (PSCAA). The Grading Code regulates site excavation, requires that soil erosion control techniques be initiated for the duration of construction, and regulates the capture and treatment of on-site ground and storm water. The Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. The Street Use Ordinance regulates use of the right of way for temporary construction purposes and regulates obstruction of the pedestrian right-of-way. The Puget Sound Clean Air Agency regulations require control of fugitive dust and construction machinery emissions in order to protect air quality. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Therefore no conditioning for these short term impacts is required. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality and construction traffic impacts, and therefore warrants further analysis.

Noise

The project is estimated to take approximately 18 months from the start of demolition / excavation activities through the issuance of a Certificate of Occupancy. Residential, office, and commercial uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction, such as but not limited to demolition, shoring, and excavation. Compliance with the Noise Ordinance (SMC 22.08) is required and limits the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays.

Although compliance with the Noise Ordinance is required, due to the lengthy construction schedule and the nearby residential uses, primarily across the alley to the east, additional measures to mitigate the anticipated noise impacts are necessary. The SEPA Policies at SMC

25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is the Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance are necessary. However, it is also recognized that some construction-related activities (e.g., surveying and layout, stocking the building, testing and tensioning of post-tension cables, etc.) will generate little or no noise, and could substantially shorten the construction schedule, hence can be allowed under limited conditions. Consequently, as a *Condition of Approval* in addition to the Noise Ordinance requirements, construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) and shall be limited to non-holiday weekdays from 7AM to 6 PM. Interior work that involves noise generating mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed and the mechanical equipment is enclosed within the structure or within a noise attenuating structure. Low noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Air Quality

On-site construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions that adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

Traffic and Circulation

Site preparation will involve removal of the four existing structures, pavement, and excavation for the foundation of the proposed building and below grade parking garage. Approximately 18,400 cubic yards of material will be excavated and removed from the site. Existing City Code, Regulating the Kind and Classes of Traffic on Certain Streets (SMC 11.62), designates major truck streets that must be used for hauling and otherwise regulates truck traffic in the city. The proposal site has relatively direct access to Interstate 5 and State Route 99 through City surface streets and the Spokane Street viaduct/ West Seattle Bridge leading to them. However, traffic impacts resulting from the truck traffic associated with grading will be of short duration and be mitigated by enforcement of SMC 11.62.

Traffic control would be regulated through the City's street use permit system, and requiring the contractor to meet all City regulations pertaining to the same. Temporary sidewalk or lane closures may be required during construction. Any temporary closures of sidewalks would require the diversion of pedestrians to other sidewalks. The timing and duration of these closures would be coordinated with SDOT to ensure minimal disruptions to pedestrians.

Compliance with Seattle's Street Use Ordinance administered by Seattle Department of Transportation (SDOT) includes a construction impact management plan and is expected to mitigate any adverse impacts to traffic which would be generated during construction of this proposal. Therefore, no further conditioning is necessary.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips; increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development. However, some impacts may not be entirely mitigated by existing codes and ordinances, such as the greenhouse gas affects on air quality and traffic impacts, and therefore warrants further analysis.

Air Quality

The number of residential and commercial tenant vehicular trips, customer and visitor vehicular trips associated with the project is expected to increase from the amount currently generated by the site's four single-family structures (see *Traffic and Transportation* below) and the project's overall electrical energy and natural gas consumption is expected to increase. Together these changes will result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Height, Bulk, and Scale

The City's SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The discussion in the Design Review portion of the earlier MUP 3007547 of this decision regarding the Director's Design Review decision indicates that there are no significant heights, bulk and scale impacts with the approved design as contemplated within this SEPA policy. Since the Design Review Board recommended approval of this project with conditions, and the Director agrees, no mitigation of height, bulk and scale impacts is warranted pursuant to this SEPA policy.

Transportation

A *Traffic Impact Analysis*, dated April 2011 by Gibson Traffic Consultants, updates a previous analysis (March 2009) by the same consultant evaluating existing and potential future conditions. The studies reviewed existing traffic conditions in the study area, estimated the amount of new traffic to be generated by the project, evaluated the impact of these new trips on the level-of-service of the 42nd Avenue Southwest and Southwest Oregon Street and alley and SW Oregon Street intersections, conducted site distance analysis of these two intersections, performed an accident analysis of SW Oregon Street between 42nd and 41st Avenues SW, and conducted a screen-line traffic concurrency analysis. Copies of the report are in the project files at DPD.

The Oregon 42 project is anticipated to generate 845 new daily trips, 62 new AM peak hour trips and 76 new PM peak hour trips as a worst case. The applicant proposes to have one access to the parking garage off of the public alley south of SW Oregon St. The consultant estimates that the project will have a peak parking demand of 107 vehicles based on ITE data. The 137 on-site parking spaces would accommodate the peak demand.

The intersection level of service (LOS) analysis shows that the off-site study intersections will operate at an LOS "B" or better with the future development. Screenline analysis was performed for Screenlines 3.11 and 9.11. Both of these screenlines will have acceptable v/c ratios. Mitigation for impacts of the Oregon 42 project is not required to allow adjacent intersections or screenlines to operate at acceptable levels.

The level of service results, collision history, and field observations show that the existing public road system can adequately accommodate the proposed project. The consultant recommends the previous condition which identified that a right-turn only sign should be installed at the intersection of SW Oregon St. and the alley to limit northbound to westbound left-turn from the alley. This condition was made when the previous proposal was generating 62 PM peak hour trips. As an apartment complex, the development will generate 58 PM peak hour trips transitioning to a maximum generation of 76 peak hour trips when it is operated as a condominium development. Although the trip generation will start out less than the previous submittal, the right turn only sign condition should still apply.

DECISION - STATE ENVIRONMENTAL POLICY ACT

This decision was made after review by the responsible official on behalf of the lead agency of completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030.2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21.030 2C.

DESIGN REVIEW STANDARD REQUIREMENTS AND CONDITIONS

Design Review conditions below are restated from the earlier approved MUP 3007547.

For the Life of the Project

1. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392).
2. The building constructed shall comply with all images and text on the final MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, and landscaping). This shall be verified by the DPD

planner assigned to this project (Bruce P. Rips, 615-1392) before the issuance of the Certificate of Occupancy. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

Prior to Issuance of the Master Use Permit

3. Update the MUP plan sets as necessary to reflect the Design Review Board's *Condition* and any zoning required updates.
4. Embed all conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
5. Call out all departures on relevant updated MUP plan sheets and building permit plan sheets.

Prior to Issuance of the Building Permit

6. The design shown in the building permit plans shall conform to all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials and landscaping), subject to any DPD approved post MUP design revisions.

Prior to Issuance of the Certificate of Occupancy

7. On-site verification of conformance with the approved building and site design as shown in the building permit plans and conforming to the approved MUP design, or subsequently revised and approved by the DPD planner assigned to this project (Bruce Rips, 615-1392) shall occur before issuance of the *Certificate of Occupancy*. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
8. Add a "green screen" vine wall element to the blank concrete wall at alley grade as approved by the project planner.

CONDITIONS – SEPA

During Construction

(The following condition shall be posted on the property line of each site street frontage in a location that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.)

9. All construction activities are subject to the limitations of the Noise Ordinance. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) and shall be limited to non-holiday weekdays from 7AM to 6 PM. Interior work that involves noise generating mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed and the mechanical equipment is enclosed within the structure or within a noise attenuating structure. Low noise generating activities, such as site security, monitoring, weather protection shall not be limited by this condition.

Prior to Issuance of the Certificate of Occupancy

10. Install a "Right Turn Only" sign at the alley's north end to prevent traffic from turning left (to the west) onto SW Oregon Street. The sign location and other details must be reviewed and approved by SDOT.

Signature: _____ (signature on file) Date: August 25, 2011
Bruce P. Rips, Senior Land Use Planner
Department of Planning and Development

BPR:bgf

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